



**MILPITAS CITY COUNCIL MEETING AGENDA
OCTOBER 17, 2006**

**7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. INVOCATION (Mayor Esteves)

IV. APPROVAL OF MINUTES (October 3, 2006)

Minutes of the City Council meeting and the Public Financing Authority meeting

V. SCHEDULE OF MEETINGS

VI. PRESENTATION

Commendation:

Girl Scout Nicole Nguyen awarded the Girl Scout of America Gold Award

VII. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR (Items with Asterisks)

XII. PUBLIC HEARING

- 1. Appeal of Planning Commission Decision to Deny Use Permit Amendment No. UA2006-6 to Permit a 12'x18' Dance Floor for King Crab Restaurant located at 269 W. Calaveras Blvd. APN 022-53-041, Zoned General Commercial (C2) (Staff Contact: Cindy Hom, 586-3284)**

XIII. UNFINISHED BUSINESS - NONE

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

- RA3. Approval of Minutes (October 3, 2006)**
- RA4. Approval of Agenda and Consent Calendar**
- RA5. Hear Any Appeal of the new Milpitas Library Project No. 8162 Bidders List (Staff Contact: Mark Rogge 586-3403)**
- *RA6. Approve the Report to the City Council for the proposed merger of Redevelopment Project Area No. 1 and the Great Mall Project Area and schedule a joint City Council/ Redevelopment Agency Public Hearing on the proposed merger amendments for November 21, 2006 (Staff Contact: Diana Whitecar, 586-3059)**
- *RA7. Adopt Resolution Authorizing the Use of Low -and Moderate-Income Housing Set-Aside Funds for Land Acquisition (Staff Contact: Emma Karlen, 586-3145)**
- *RA8. Adopt Resolution Granting Initial Acceptance of the North Main Street Soil Remediation, Project No. 8154 (Staff Contact: Jorge Bermudez 586-3404)**
- *RA9. Adopt Resolution Granting Initial Acceptance of the Police Evidence Freezer, Project No. 8159 (Staff Contact: Jorge Bermudez 586-3404)**
- RA10. Agency Adjournment**

XV. REPORT OF OFFICER

City Council

- * 2. Approve Mayor Esteves' Recommendations for Re-Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)**

XVI. NEW BUSINESS

- 3. Approve the Proposed 2006-2007 Special Events Calendar and the July 4, 2006 Update (Staff Contact: Bonnie Greiner, 586-3227)**
- * 4. Approve Event Proposal for the 2007 Commissioners' Recognition Event (Staff Contact: Bonnie Greiner, 586-3227)**
- * 5. Approve an Individual Youth Sports Assistance Fund Grant Request (Staff Contact: Bonnie Greiner, 586-3227)**

XVII. ORDINANCES

- 6. Introduction of an Ordinance of the City Council of the City of Milpitas amending the Milpitas Municipal Code to Prohibit Amplification of Sound at Gill Park (Staff Contact: Richard Pio Roda, 586-3040)**
- * 7. Adopt Ordinance No. 41.11 Amending Milpitas Municipal Code Sections I-500-1.01 and 1.05 regarding the appointment of Planning Commissioners (Staff Contact: Richard Pio Roda, 586-3040)**

XVIII. RESOLUTIONS

- * 8. Resolution Granting Acceptance of Certain Public Improvements for Parc Metropolitan, Project No. 3061 (Staff Contact: Mehdi Khaila, 586-3328)**

- * 9. **Adopt Resolution for Waiver of Solid Waste Service for Specified Spring Valley Heights Addresses (Staff Contact: Marilyn Nickel, 586-3347)**

XIX. BIDS AND CONTRACTS

- * 10. **Approve Contract with Magic Wave Productions for Installation and Integration of Equipment for the new Milpitas Community Television Studio (Staff Contact: Bill Marion, 586-2702)**
- * 11. **Award the Bid to S & C Ford for Purchase of Four Police Vehicles – for Annual Purchases (Staff Contact: Chris Schroeder, 586-3161)**
- * 12. **Award the Bid to S & C Ford for One Truck Vehicle Purchase (Staff Contact: Chris Schroeder, 586-3161)**
- * 13. **Award the Bid to San Jose Blue for Reprographic Services for the New Library (Staff Contact: Chris Schroeder, 586-3161)**

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, NOVEMBER 7, 2006 AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

*Community Advisory Commission
Economic Development Commission (Hotel Rep)
Mobile Home Park Rental Review Board
Sister Cities Commission
Telecommunications Commission
Youth Advisory Commission
Planning Commission (alternate)*

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers. Contact the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

XII. PUBLIC HEARING

- 1. Appeal of Planning Commission Decision to Deny Use Permit Amendment No. UA2006-6 to Permit a 12'x18' Dance Floor for King Crab Restaurant located at 269 W. Calaveras Blvd. APN 022-53-041, Zoned General Commercial (C2) (Staff Contact: Cindy Hom, 586-3284)**

Background: The City Council held a public hearing on August 15, 2006 to consider an appeal of the Planning Commission's decision to deny a use permit amendment to add a 12'x18' dance floor to an existing full service restaurant. The request was continued sixty (60) days to allow time for staff to work with the applicant and surrounding property owners to resolve the parking issue.

City staff facilitated a meeting with the applicant and surrounding property owners of Milpitas Center and Calaveras Plaza Shopping Center. On September 29, 2006, the property owners and the applicant agreed that the restaurant would provide a parking attendant during the hours of the weekday lunch peak hours, commencing at 11:30 A.M. and ending at 1:30 P.M., and when the banquet facility is used. The parking attendant will direct Calaveras Plaza restaurant patrons to park within the shopping center and prevent overflow parking in the adjacent shopping center parking lot. In addition to the above parking attendant, Staff recommends as a condition of approval, that the parking attendant personnel be readily identifiable and City staff review the parking situation every three months to ensure the implementation and enforcement of the parking attendant.

The applicant shall be subject to three-month reviews until the Planning Commission considers it no longer necessary. In the event the parking attendant is discontinued, the Applicant must cease operation of the dance floor and banquet facilities or procure additional parking. In the event that the Applicant is found in violation of the conditions of approval, the use permit for the dance floor may be rescinded. Three conditions (No. 9, 10, and 11) have been added to the amended Use Permit (found in the attached Special Conditions of Approval) to address the agreement between the Applicant and surrounding property owners.

Recommendation:

1. Close the Public Hearing, after receiving any comments from the public.
2. Approve Use Permit Amendment No. UA2006-6, based on the Finding and Special Conditions.

XIV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (October 3, 2006)

RA4. Approval of Agenda and Consent Calendar

RA5. Hear Any Appeal of the new Milpitas Library Project No. 8162 Bidders List (Staff Contact: Mark Rogge 586-3403)

Background: The City Council approved the bidders list for the library project at the meeting of October 3, 2006, and set the date of October 17, 2006 as the date to hear any appeals from contractors not included on the approved bidders list.

Recommendation: Hear appeals, if any, from contractors not included on the approved bidders list for the new Milpitas Library Project No. 8162.

- *RA6. Approve the Report to the City Council for the proposed merger of Redevelopment Project Area No. 1 and the Great Mall Project Area and schedule a Joint City Council/ Redevelopment Agency Public Hearing on the proposed merger amendments for November 21, 2006 (Staff Contact: Diana Whitecar, 586-3059)**

Background: On August 1st the City Council approved the Preliminary Plan for the Redevelopment Plan Amendments that would merge the two Milpitas redevelopment project areas: Project Area No. 1, comprised of 2,230 acres, and the Great Mall Project Area, comprised of 150 acres. The merger would enable the installation of signage along the freeway and highway corridors within the Project Areas that would otherwise be barred by the Outdoor Advertising Act. The merger of the Project Areas would not add territory to the project areas and would not alter the time or financial limits of the plans, but it would allow the use of redevelopment funds to further facilitate the successful operation of the Great Mall, if the Agency so desires.

Report to the Council

Pursuant to California Health and Safety Code Section 33352, the Report to the City Council for the 11th Amendment to Project Area No. 1 Redevelopment Plan and the 4th Amendment to the Great Mall Redevelopment Plan (Report), attached as Exhibit A, has been prepared and is ready for submission by the Agency to the City Council. The purpose of the Report is to provide the legally required information, documentation and evidence required by the law when a proposed amendment is submitted by the Agency to the Council. This information and documentation assists the City Council in its consideration of the proposed Amendments and in making the various finding associated with the adoption of the proposed Amendments.

Because the Agency is proposing to merge projects, which is a technical amendment, the Agency is subject to the applicable provisions, to the extent warranted, of Community Redevelopment Law (CRL) Sections 33320.1 and 33450. The Merger of the projects does not, and will not, require re-establishing blight or demonstrating that significant blight remains within the Project Area.

The Report includes all of the information of the Preliminary Report on proposed project and programs, and related funding and expenses over the next five years, as well as financing projections for the life of the redevelopment program. In summary, projected revenues and expenditures over the life of the Merged Redevelopment Project is approximately \$1,500,000,000. This includes revenues from tax increment, potential bond proceeds, interest earnings and the initial fund balance for FY 2006-07. Expenditures are projected to follow the program categories identified in the recently adopted 2005 – 2010 Implementation Plan. Those categories are: the Housing Set Aside fund, Transportation and Public Improvements, Economic Stimulation and Community Facilities.

Community Meetings

CRL requires that the Agency, in conjunction with the Council, schedule and notify affected taxing entities, property and business owners, tenants and residents within the existing project areas of a Joint Public Hearing with respect to the proposed merger amendments. The date for the public hearing is proposed for the City Council meeting on November 21st. The Agency will publish a notice of the hearing once a week for five consecutive weeks and mail the notice as described above.

In addition, two community meetings will be held on the proposed merger and the Supplemental Environmental Impact Report on October 18th and again on November 1st. While only one community meeting is required, the Planning Commission recommended that an additional meeting be held so that all residents will have the opportunity to comment on the proposed freeway signs.

Recommendations:

1. That the Milpitas Redevelopment Agency adopt a Resolution to approve the Report to the City Council on the proposed Amendments for the proposed merger of Project Area No. 1 and the Great Mall Project Area, submits the Report to the City Council and request a Joint Public Hearing on the Amendments at the November 21st Council/Agency meeting.
2. That the Milpitas City Council adopt a Resolution to receive the Report to the City Council on the proposed Amendments and consent to a Joint Public Hearing on the proposed Amendments on November 21, 2006.

***RA7. Adopt Resolution Authorizing the Use of Low -and Moderate-Income Housing Set-Aside Funds for Land Acquisition (Staff Contact: Emma Karlen, 586-3145)**

Background: On September 7, 2004, the Agency Board adopted a resolution which authorized the Agency to enter into a Purchase and Sale Agreement with the City of Milpitas to purchase eight parcels of real properties from the City for redevelopment purpose. The total purchase price was \$29.3 million to be paid by tax increment revenues. Simultaneously, the Agency executed a promissory note which authorized \$6.1 million first installment payable to the City, and the remaining balance to be paid with interest, upon demand by the City.

One of the parcels, located at 163 North Main Street (the "Housing Parcel"), was appraised at \$2 million at the time of the sale. It was subsequently conveyed to MP Milpitas Affordable Housing Associates to develop 102 residential rental units that will be affordable to very low and extremely low-income senior households. Consequently, the Agency is permitted to use the Low- and Moderate-Income Housing Set-Aside fund to pay for the Housing Parcel in lieu of the tax increment revenues that are deposited in the Redevelopment Agency Project Fund. The use of Low and Moderate-Income Housing Set-aside Fund to acquire land for affordable housing is consistent with the Redevelopment Law established by the CA Health and Safety Code.

Recommendation: Adopt Resolution of the Redevelopment Agency of the City of Milpitas authorizing the use of Low-and Moderate-Income Housing Set-Aside Funds for Land Acquisition.

***RA8. Adopt Resolution Granting Initial Acceptance of the North Main Street Soil Remediation, Project No. 8154 (Staff Contact: Jorge Bermudez 586-3404)**

Background: This project abated hazardous soil conditions and materials from the Library project site. The City Council awarded the project to Clean Harbors Environmental on May 2, 2006. The Contractor has successfully completed the project work, and a final inspection was satisfactorily performed in September 2006. Therefore, an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$20,755.00, which is 10% of the contract amount.

Recommendation: Adopt Resolution of the Redevelopment Agency of the City of Milpitas granting initial acceptance of Project No. 8154, subject to the one-year warranty period and reduction of the faithful performance bond to \$20,755.00.

***RA9. Adopt Resolution Granting Initial Acceptance of the Police Evidence Freezer, Project No. 8159 (Staff Contact: Jorge Bermudez 586-3404)**

Background: This project provided a new 17' x 17' walk-in freezer to comply with recent regulations requiring special handling of evidence that must be maintained and kept at low temperatures for longer periods of time. The City Council awarded the project to All Temp Engineering on November 1, 2005. The Contractor has completed the project work, and final inspection was satisfactorily performed in September 2006. Therefore, an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$10,197.20, which is 10% of the contract amount.

Recommendation: Adopt Resolution of the Redevelopment Agency of the City of Milpitas granting initial acceptance of Project No. 8159, subject to the one-year warranty period and reduction of the faithful performance bond to \$10,197.20.

RA10. Agency Adjournment

XV. REPORT OF OFFICER

*** 2. Approve Mayor Esteves' Recommendations for Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends the following Milpitas residents be re-appointed and appointed to Commissions as noted below:

Arts Commission

Re-appoint Donine Ettinger to a 3-year term that expires October 2009.

Re-appoint Harriett McGuire to a 3-year term that expires October 2009.

Community Advisory Commission

Appoint current Alternate No. 1 Nelson Villegas to a voting member Vacancy, to a term that expires January 2007.

Recycling and Source Reduction Advisory Commission

Re-appoint John Cimino as Alternate No. 2 to a term that expires October 2008.

Telecommunications Commission

Appoint current Alternate No. 1 Syed Bilgrami to a voting member vacancy, to a term that expires January 2008.

Appoint Roger Shaw (current Alternate No. 2) to Alternate No. 1 to a term that expires January 2007.

Appoint Hai Tran to Alternate No. 2 to a term that expires January 2008.

Recommendation: Move to approve the Mayor's recommended Commission appointments.

XVI. NEW BUSINESS

3. Approve the Proposed 2006-2007 Special Events Calendar and the July 4, 2006 Update (Staff Contact: Bonnie Greiner, 586-3227)

Background:

Special Event Calendar

Historically, the City Council has approved the special events planned by Recreation Services. The proposed 2006-2007 Special Events Calendar is included as part of the Council agenda packet. Event details including time, date, event specifics and locations have been included with the calendar.

July 4th Update

The 2006 Fourth of July festivities kicked off with the Main Street Parade at 11:00 am, with 547 parade participants and 800 spectators. The "Waving the Red, White and Blue" Pool Party held at the Milpitas Sports Center Pools from 1:00 -5:00 pm attracted 800 participants for free swimming, music, games and prizes. The pre-fireworks concert began at 8:00 pm with gates opening at 7:30 pm. The Silicon Valley Houserockers performed from 8:00 - 9:15 pm. The 23 minute "Red, White and Boom" Fireworks show attracted over 15,000 spectators to the Milpitas Sports Center Complex. The day's events were very successful, no incidents or accidents were reported and many positive comments were received. Staff mailed evaluations to last years and

this years parade participants to obtain their input for future parade suggestions. The evaluation findings will be presented during staff's presentation along with suggestions for future 4th of July event activities.

Recommendation: Approve the 2006-2007 City of Milpitas Special Events Calendar and receive July 4th update.

- * 4. **Approve Event Proposal for the 2007 Commissioners' Recognition Event (Staff Contact: Bonnie Greiner, 586-3227)**

Background: The City of Milpitas recognizes its Commissioners in April at the annual Commissioners' Recognition Event. The event celebrates the volunteerism of our Commissioners and Committee Members and their accomplishments. Two proposals for a 2007 Commissioners Recognition Event for consideration are:

Option A

The Commissioners' Recognition Event will be held on Wednesday, April 18, 2007, on a non-City Council, and non-Commission night, held in City Hall. All Commissioners and Committee members will be invited by formal invitation to be recognized for their service in 2006 and enjoy an evening of Appetizers and a Soda Bar. Appropriate themed entertainment, i.e. singer, dancers will accompany the food and drink. The evening will begin in Council Chambers where the Mayor will open the event by giving a formal "Thank You" to Commissioners for their work and commitment to Milpitas in 2006. **Each Commission and its Commissioners will be called up separately to be recognized by their Council Liaison.**

Council and Commissioners will then be able to retire to the City Hall Rotunda and enjoy the music, refreshments and each other. Poster Boards on Easels will be placed throughout the Rotunda with each Commission's Mission Statement and accomplishments listed. Commission Certificates will be presented at their respective April meeting. This option does not include a Commissioner Gift. Should Council desire Commissioners to receive a gift, an additional \$1,000 would be needed for the event budget.

Event Timeline:

Seating – 6:30pm

Welcome – 7:00pm

Recognition – 7:05pm

Social – 7:30pm

Soft Close – 9:30pm

Budget Proposal 2007:

Invitations 250.00

Certificate Supplies 400.00

Refreshments \$1,150

Entertainment 200.00

Total \$2,000.00

Option B

The Commissioners Recognition Event will be held in April of 2007, at a designated City Council meeting, at City Hall. All Commissioners will be invited by formal invitation, to attend and be recognized for their service in 2006, and to enjoy refreshments. The event would take place after regular business on the Council Agenda, and opened by the Mayor who will give a speech to formally "Thank" Commissioners for their work and commitment to Milpitas in 2006. **Each Commission and its Commissioners will be called up separately to receive their Certificate from their Council Liaison in City Council Chambers.**

The Commission's mission statement will be shown on the screen while the respective Commission is being recognized. Commissioners will be invited to partake in the provided refreshments. Commission Certificates will be presented at their respective April meeting. **With this Option, City Council would need to break for at least 1 full hour, to have adequate time to spend with Commissioners.** This option does not include a Commissioner Gift. Should Council desire Commissioners to receive a gift, an additional \$1,000 would be needed for the event budget.

Event Timeline:

Council Meeting - 7:00pm

Welcome - 7:30pm

Power Point Presentation/Recognition - 7:35pm

Refreshments - 8:00pm

Close - 9:00pm

Budget Proposal 2007:

Invitations 250.00

Certificate Supplies 400.00

Refreshments 1,150.00

Total \$1,800.00

Recommendation: Approve Option A for the 2007 Commissioners' Recognition Event to address City Council concerns, allowing more time for Commissioners to be individually recognized and for Council to be able to socialize with their Commissioners.

- * 5. **Approve an Individual Youth Sports Assistance Fund Grant Request (Staff Contact: Bonnie Greiner, 586-3227)**

Background: On June 20, 2006, the Milpitas City Council approved and appropriated \$8,000 for the Youth Sports Assistance Fund for the 2006-2007 budget year. In the City Council's packet for review and consideration is one Organizational Youth Sports Grant application.

An Organizational Youth Sports Grant application was received from **Milpitas National South Little League for \$1,000** to purchase break-away bases for use during games to comply with new Little League regulations for safety requirements.

The Applicant meets the eligibility for the grant process. Staff reviewed the item requested and found it met the application guidelines. There is currently a balance of \$3,000 in the 2006-07 Youth Sports Assistance Fund.

The Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed the request on October 1, 2006 and unanimously recommended it be forwarded to Council for approval.

Recommendation: Approve the Organizational Youth Sports Grant for the Milpitas National Little League South for \$1,000, leaving a balance of \$2,000 for the remainder of the fiscal year.

XVII. ORDINANCES

6. **Introduction of Ordinance No. 196.8 of the City Council of the City of Milpitas amending the Milpitas Municipal Code to prohibit the amplification of sound at Gill Park (Staff Contact: Richard Pio Roda, 586-3040)**

Background: At the City Council meeting on October 3, 2006, the City Council discussed prohibiting the amplification of sound at Gill Park, per the request of residents in the park's surrounding neighborhoods. Currently, park users must obtain a waiver from the City Manager, allowing the amplification of sound during park use. On the agenda for the City Council's

consideration is the first reading and introduction of an ordinance to amend the Milpitas Municipal Code to prohibit the amplification of sound by electronic means at Gill Park only, consistent with the City Council's direction at its October 3rd meeting.

Recommendation: Waive first reading beyond the title and introduce Ordinance No. 196.8, amending the Milpitas Municipal Code to prohibit the amplification of sound at Gill Park.

- * 7. **Adopt Ordinance No. 41.11 Amending Milpitas Municipal Code Sections I-500-1.01 and 1.05 regarding appointment of Planning Commissioners (Staff Contact: Richard Pio Roda, 586-3040)**

Background: At the City Council meeting on October 3, 2006, Ordinance No. 41.11 was introduced on a 5-0 vote to amend Milpitas Municipal Code Sections I-500-1.01 and 1.05. The introduction of the ordinance occurred pursuant to a recent California Attorney General Opinion finding that the Mayor of a general law city makes appointments to the city's planning commission, subject to the approval of the city council. On the agenda for the City Council's consideration is the adoption of the ordinance to amend Milpitas Municipal Code Sections I-500-1.01 and 1.05 to make the Municipal Code consistent with the Attorney General's Opinion.

Recommendations:

1. Waive the second reading.
2. Adopt Ordinance No. 41.11, an Ordinance of the City Council of the City of Milpitas amending Milpitas Municipal Code Sections I-500-1.01 and 1.05 regarding the appointment of Planning Commissioners.

XVIII. RESOLUTIONS

- * 8. **Resolution Granting Acceptance of Certain Public Improvements for Parc Metropolitan, Project No. 3061 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: This project consists of the following public improvements:

- 1) Off-site public improvements (Curtis Avenue).
- 2) On-site public water and sewer improvements.
- 3) Three public parks (East, Middle and West Parks).

On June 15, 2004, the City Council initially accepted Curtis Avenue improvement and Middle and West Parks. A final inspection has been made, and these public improvements are satisfactory. Therefore, a final acceptance may be granted for Curtis Avenue improvement and West and Middle Parks.

On-site public water and sewer facilities and East Park improvements are now ready for initial acceptance in accordance with the public improvement agreement. The developer's bond may be reduced to \$193,475, which is 10% of the contract amount for the work, which the Council is initially accepting at this meeting.

Recommendation: Adopt the City Council Resolution granting:

- 1) Final acceptance of Curtis Avenue public improvement and West and Middle Parks.
- 2) Initial Acceptance of East Park and on-site public water and sewer facilities subject to the one-year warranty period.
- 3) Reduction of Faithful Performance Bond to \$193,475.
- 4) Release of Labor and Material Bond, if no claims are filed with the City Clerk's office after six months of this initial acceptance.

- * 9. **Adopt Resolution for Waiver of Solid Waste Service for Specified Spring Valley Heights Addresses (Staff Contact: Marilyn Nickel, 586-3347)**

Background: A verbal report of the Utility Rate Subcommittee recommendation was made at the October 3, 2006 City Council meeting. Based upon ensuing discussions, Council directed staff to proceed with preparation for documentation to approve waivers for specified Spring Valley Heights addresses. The proposed resolution (copy included in agenda packet) authorizes the City Manager to enter into Memorandums of Understanding with the specified homeowners.

Recommendation: Adopt Resolution of the City Council of the City of Milpitas granting a waiver of solid waste service for specified Spring Valley Heights addresses, subject to the City Attorney's approval as to form.

XIX. BIDS AND CONTRACTS

- * 10. **Approve contract with Magic Wave Productions for Installation and Integration of equipment for the Milpitas Community Television Studio (Staff Contact: Bill Marion, 586-2702)**

Background: In September of 2006, the City awarded a bid for audiovisual equipment (Bid #3397A), which included an option for equipment installation. The bid response received did not include the installation option and was awarded only for the purchase of equipment. Due to the complexity of the equipment, a qualified installer is required to properly install and integrate the equipment. In accordance with the Milpitas Municipal Code, Title I, Section 3.12.2, a qualified consultant was selected to perform the necessary installation. The consultant selected, Magic Wave Productions, has done several similar projects for agencies in the area to include the City of Mountain View, City of Saratoga and the City of Concord.

Estimated costs are \$73,007.75, which is within the original estimate and adequate funds are available in Capital Improvement Project No. 3398 for the installation and integration.

Recommendation: Approve a contract, subject to approval as to form by the City Attorney, with Magic Wave Productions for the installation and integration of equipment for the Milpitas Community Television Studio, Project No. 3398.

- * 11. **Award the Bid to S & C Ford for Purchase of Four Police Vehicles – for Annual Purchases (Staff Contact: Chris Schroeder, 586-3161)**

Background: In the current fiscal year's budget, there are four Crown Victoria patrol cars scheduled for replacement for the Police Department, as they will exceed specified mileage or years of service, according to the MOU. Purchasing worked with department representatives and Fleet Maintenance staff to develop specifications on the vehicles and bids were sent to thirteen regional and Bay Area Ford dealers on Purchasing's bidders list. The bids were also advertised in the Milpitas Post and on the City website. Four bids were received and are summarized below:

<u>S & C Ford</u>	<u>Sutton Ford</u>	<u>Frontier Ford</u>	<u>Hoblit Motors</u>
\$ 109,456.56	\$ 112,314.66	\$ 112,717.64	\$ 113,570.06

Sufficient funding has been allocated in the FY 2006-07 operating budget for the purchase of the vehicles.

Recommendation: Award the bid for four 2007 Crown Victoria Police Interceptor vehicles to S&C Ford Fleet Sales in the amount of \$109,456.56 including tax, extended warranty, freight and tire fees.

- * 12. **Award the Bid to S & C Ford for One Truck Vehicle Purchase (Staff Contact: Chris Schroeder, 586-3161)**

Background: The current fiscal year's budget includes a capital outlay request to purchase a Ford F-250 pick up truck with a lift-gate for the Facilities Maintenance function. This new

vehicle will be used primarily to move furniture and equipment and will eliminate the rental of specialized vehicles. Purchasing worked with department representatives and Fleet Maintenance staff to develop specifications on the vehicle and bids were sent to thirteen regional and Bay Area Ford dealers on Purchasing's bidders list. In addition, bids were advertised in the Milpitas Post and placed on the City website. Three bids were received and are summarized below:

<u>S & C Ford</u>	<u>East Bay Ford</u>	<u>Frontier Ford</u>
\$ 21,767.00	\$ 25,871.75	\$ 25,701.80

Sufficient funding has been allocated in the FY 2006-07 operating budget for the purchase of the vehicle.

Recommendation: Award the bid for one 2007 Ford F-250 pick up truck to S& C Ford Fleet Sales in the amount of \$ 21,767.00 including lift gate, sales tax and extended warranty.

* 13. **Award the Bid to San Jose Blue for Reprographic Services for the New Library (Staff Contact: Chris Schroeder, 586-3161)**

Background: On September 25th staff went out to bid for reprographic services for the new Library. Purchasing worked with department representatives from Engineering to develop the specifications and bids were sent to fifteen regional and Bay Area vendors on Purchasing's bidders list, as well as advertised in the Milpitas Post, The Blue Book, and on the City website. Six bids were received - summarized below:

San Jose Blue	\$27,010.51
Ford Graphics	\$31,338.25
Elite Reprographics	\$33,746.20
Studio Blue	\$39,836.81
ASI Repro	\$53,910.00
Peninsula	\$55,224.79

Sufficient funding has been allocated in CIP No. 8162, the new Library budget and CIP No. 8154 the Library Site Preparation Project, for the purchase of these services.

Recommendation: Award the bid for Reprographic Services to San Jose Blue and authorize the City Manager to sign a contract for the not to exceed amount of \$27,010.51 including tax, shipping and handling, subject to approval by the City Attorney.

XX. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, NOVEMBER 7, 2006 AT 7:00 P.M.**